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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,508	11/03/2006	Jean-Michel Defert	P30247	2161

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EXAMINER	
MERLINO, ALYSON MARIE	
ART UNIT	**PAPER NUMBER**
3673	

NOTIFICATION DATE	DELIVERY MODE
11/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/597,508	DEFERT, JEAN-MICHEL	
	Examiner	Art Unit	
	ALYSON M. MERLINO	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 July 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 28 January 2004. It is noted, however, that applicant has not filed a certified copy of the 0400773 application as required by 35 U.S.C. 119(b).

Drawings

2. The drawings are objected to because they fail to show how the plate with the bolt moves from its position in Figure 1 to its position in Figure 3, see explanation within the rejection of claims 5-24 under 35 U.S.C 112, first paragraph, below. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. **Claims 13, 18, and 22 are objected to** under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Independent claims 12, 17, and 21 recite limitations stating that when the electromagnetic core is not energized, then the forces generated by the spring maintain the bolt in the protruding position, which can also be found in dependent claims 13, 18, and 22.

4. **Claims 19 and 21-24 are objected to** because of the following informalities:

a. In regards to claims 19, 21, and 22, all instances of the phrase “the retractable sliding bolt” within the claims should be changed to "the bolt member" in order to be consistent with the limitations recited in claim 17.

b. In regards to claim 23, line 5, this limitation should read as follows for clarification and in accordance with claim 5: “energizing the electromagnet in order to maintain the electromagnetic lock in a locked position.”

c. In regards to claim 23, line 6, the phrase “the electromagnetic core” should be “the electromagnet” in accordance with claim 5.

d. In regards to claim 24, line 5, this limitation should read as follows for clarification: "energizing the electromagnetic core in order to maintain the electromagnetic lock in a locked position."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claims 5-24 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how the sliding bolt is capable of being retracted by a force in view of Figures 1-3. Specifically, it is clear that when a force is placed on the bolt, such as the pulling of a door to an open position, the tapering of the bolt in cooperation with plate 2 will push the bolt and plate 4 back into the body at an angle, not straight back into the body as suggested by Figure 3. Furthermore, in view of Figure 3, if plate 2 is arranged on a fixed member, it is unclear how a force is applied to the bolt in order to achieve the straight movement of the bolt and plate 4 shown in Figure 3. For examination purposes, the claims will be given a broad interpretation until further clarification from applicant.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 21, 22, and 24 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 21 and 24 incorporate the limitations of claims 17 and 12, respectively, therefore, it is unclear how the electromagnetic core is energized to maintain the locked position of the electromagnetic lock and when the electromagnetic core is not energized, the forces generated by the spring maintain the bolt in the protruding position as recited in claims 21 and 24, when these limitations are already incorporated into the claims from independent claims 17 and 12. For examination purposes, the claims will be given a broad interpretation until further clarification from applicant.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 5-15, 17, 18, and 20 are rejected (as best understood)** under 35 U.S.C. 102(b) as being anticipated by Schoenle (US-1238345).

11. **In regards to claims 5 and 9**, Schoenle discloses an electromagnetic lock (Figures 1-3) including a body 11, a retractable sliding bolt 10, and a movable plate 9 structured and arranged in the body to support the retractable sliding bolt and to function as an armature of an electromagnet 6, wherein the movable plate is movable

via two forces acting in the same direction (forces from electromagnet and springs 16 and 25, apparent from Figures 1 and 2) and is structured and arranged to move the retractable sliding bolt to a protruding position (Figure 2).

12. **In regards to claim 6**, Schoenle discloses that the retractable sliding bolt is configured for a swinging-type door (capable of being used for a swinging-type door, Page 2, lines 46-48).

13. **In regards to claim 7**, Schoenle discloses that the movable plate and the tractable sliding bolt are movable in the same direction (apparent from Figures 1 and 2).

14. **In regards to claim 8**, Schoenle discloses that the movable plate and the retractable sliding bolt are movable along a bolt displacement direction (direction of movement of plate and bolt shown in Figures 1 and 2).

15. **In regards to claim 10**, Schoenle discloses that the springs bias the movable plate and the retractable sliding bolt towards the protruding position (Page 2, lines 29-36).

16. **In regards to claims 11 and 15**, Schoenle discloses that the movable plate is guided on columns (portions near electromagnets 6, Figures 1 and 2) and the columns comprise axes (axes running from plate 9 to ends of columns, Figures 1 and 2).

17. **In regards to claim 12**, Schoenle discloses an electromagnetic lock (Figures 1-3) including an electromagnetic core 6, a retractable sliding bolt 10, an armature plate 9 supporting the retractable sliding bolt (Figure 1), and springs 16 and 25 biasing the armature plate towards the electromagnetic core (Page 2, lines 29-36), wherein, when the electromagnetic core is energized, the armature plate positions the retractable

sliding bolt in a protruding position (Figure 2) and maintains the electromagnetic lock in a locked position (apparent from Figure 2), and wherein, when the electromagnetic core is not energized, forces generated by the springs maintain the protruding position of the retractable sliding bolt (Page 2, lines 29-36).

18. **In regards to claim 13**, Schoenle discloses that the retractable sliding bolt is configured for a swinging-type door (capable of being used for a swinging-type door, Page 2, lines 46-48).

19. **In regards to claims 14 and 20**, Schoenle discloses that the springs are mounted to members passing through the armature (spring 16 mounted to pin 8, Figures 1 and 2).

20. **In regards to claims 17 and 18**, Schoenle discloses an electromagnetic lock (Figures 1-3) including a body 11, an electromagnetic core 6 arranged in the body (Figures 1-3), a bolt member 10 comprising a protruding portion (end of bolt within opening in body 11, Figure 1) and being movable to a protruding position (Figure 2), an armature plate 9 arranged in the body (Figures 1-3), and springs 16 and 25 arranged in the body and biasing the armature plate towards the electromagnetic core (Page 2, lines 29-36), wherein, when the electromagnetic core is energized, the electromagnetic lock is maintained in a locked position (Figure 2), and wherein, when the electromagnetic core is not energized, forces generated by the springs maintain the protruding position (Page 2, lines 29-36) until the bolt member experiences a force

(force from electromagnet 6 near bolt 10, Figure 1) tending to move the bolt member into the body (apparent from Figure 1).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. **Claims 16, 19, and 21-24 are rejected (as best understood)** under 35 U.S.C. 103(a) as being unpatentable over Schoenle (US-1238345) in view of Alderman (US-2586900).

23. **In regards to claims 16 and 19**, Schoenle discloses the lock as applied to claim 12 above, with the retractable sliding bolt having a projecting portion (end of bolt within opening in body 11, Figure 1) and being configured for a swinging-type door (capable of being used for a swinging-type door, Page 2, lines 46-48). Schoenle fails to disclose that the projecting portion has oppositely arranged tapered surfaces. Alderman teaches a retractable sliding bolt 32 including a projecting portion (portion near reference character 32, Figure 1) having oppositely arranged tapered surfaces (surfaces near indicators of reference character 28, Figure 4). Since the inclusion of oppositely arranged tapered surfaces on the projecting portion of the retractable sliding bolt of Schoenle would not hinder the ability of the bolt to be placed in the protruding position, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add tapered surfaces to the projecting portion of the bolt disclosed by Schoenle

since it has been held that a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

24. **In regards to claims 21 and 24**, Schoenle discloses a method of locking a door including arranging the electromagnetic lock of claims 17 and 12 on an edge of the door (apparent from Figures 1-3 and capable of being used for a swinging-type door, Page 2, lines 46-48), and the springs opposing and allowing the movement of the bolt member into the body (apparent from Figures 1 and 2). Schoenle fails to disclose that the method includes arranging a catch plate on a fixed member, with the plate including an opening receiving the protruding portion of the bolt member therein. Alderman teaches a projecting portion (portion near reference character 32, Figure 1) of a retractable sliding bolt 32 being received in an opening 23 of a catch plate 14 arranged on a fixed member 10 (apparent from Figure 4). Since the inclusion of a catch plate on a fixed member for cooperation with the sliding bolt of Schoenle would not hinder the ability of the bolt to be placed in the protruding position, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a catch plate on a fixed member for receiving the protruding portion of the bolt disclosed by Schoenle in order to enhance the security of the door when in the locked position, and since catch plates or strike plates are well known in the art for cooperating with bolts of doors.

25. **In regards to claim 23**, Schoenle discloses a method of locking a door (Page 2, lines 46-48) including arranging the electromagnetic lock of claim 5 on an edge of the door (apparent from Figures 1-3 and capable of being used for a swinging-type door, Page 2, lines 46-48), with the retractable sliding bolt having a protruding portion (end of

bolt within opening in body 11, Figure 1). Schoenle further discloses energizing the electromagnet in order to maintain the electromagnetic lock in a locked position (apparent from Figure 2), wherein, when the electromagnet is de-energized, biasing forces generated only by springs 16 and 25 maintain the retractable sliding bolt in the protruding position (apparent from Figure 2 and Page 2, lines 29-36). Schoenle fails to disclose that the method includes arranging a catch plate on a fixed member, with the plate including an opening receiving the protruding portion of the bolt member therein. Alderman teaches a projecting portion (portion near reference character 32, Figure 1) of a retractable sliding bolt 32 being received in an opening 23 of a catch plate 14 arranged on a fixed member 10 (apparent from Figure 4). Since the inclusion of a catch plate on a fixed member for cooperation with the sliding bolt of Schoenle would not hinder the ability of the bolt to be placed in the protruding position, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a catch plate on a fixed member for receiving the protruding portion of the bolt disclosed by Schoenle in order to enhance the security of the door when in the locked position, and since catch plates or strike plates are well known in the art for cooperating with bolts of doors.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/
Supervisory Patent Examiner, Art Unit 3673

AM
November 17, 2008